

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN FRANCIS HUTCHENS,
Plaintiff,
v.
ALAMEDA COUNTY, et al.,
Defendants.

Case No.: 4:11-cv-06478-YGR

**ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR FAILURE TO
SERVE OR PROSECUTE**

Plaintiff filed a First Amended Complaint in this action on March 19, 2012. (Dkt. No. 17.) Defendants Alameda County and County of Alameda Sheriff's were dismissed without prejudice from this action on June 1, 2012 based on Plaintiff's failure to prosecute in response to a motion to dismiss. (Dkt. No. 26.)


On July 9, 2012, the Court held a Case Management Conference in this matter. Plaintiff failed to appear. Further, Plaintiff's First Amended Complaint has named additional defendants, but it does not appear from the record that any remaining defendant has been served. Pursuant to Federal Rule of Civil Procedure 4(m), a defendant must be served within 120 days from the date the lawsuit was filed. The 120-day deadline based on the First Amended Complaint will expire on July 17, 2012.

Plaintiff is hereby **ORDERED TO SHOW CAUSE** why this action should not be dismissed for failure to serve or prosecute. A hearing regarding why the Court should not dismiss this action for failure to serve or prosecute shall be held on Friday, August 10, 2012 on the Court's 9:01a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in a courtroom to be designated.

1 Plaintiff must file a written response to this Order to Show Cause by July 27, 2012, if he
2 contests it, and must personally appear on August 10, 2012. Plaintiff's written response must include
3 proof of service of the remaining defendants. Plaintiff's failure to provide proof of service with his
4 written response or failure to appear personally will be deemed an admission that no good cause exists
5 to continue prosecuting this action and the case will thereafter be dismissed.

6 **IT IS SO ORDERED.**

7
8 Dated: July 9, 2012

9 
10 YVONNE GONZALEZ ROGERS
11 UNITED STATES DISTRICT COURT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28